

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

LORRAINE GIBBS)
)
Plaintiff,) CIVIL NO. 1999-0061
)
v.)
)
CHARLES TURNBULL, individually and)
in his capacity as Governor of the Virgin)
Islands, and MARIO GOLDEN, individually)
and in his capacity as Acting Commissioner)
of Education and TERRENCE JOSEPH,)
individually and in his capacity as Insular)
Superintendent; and ANTONIO STEELE,)
individually and in his capacity as President)
of the St. Croix Education Administrators)
Association; ST. CROIX EDUCATIONAL)
ADMINISTRATORS as an affiliate of the)
American Federation of School)
Administrators; the VIRGIN ISLANDS,)
PUBLIC EMPLOYEES BOARD; and)
DOES 1 through 10,)
)
Defendants.)
)

ORDER

FINCH, J.

THIS MATTER comes before the Court on a Motion in Limine To Exclude Copeman's Expert Report and Testimony filed by Defendants. Defendant's received Dr. Copeman's expert report on April 17, 2008 and received Dr. Copeman's curriculum vitae on May 5, 2008. Although Plaintiff was unable to meet the Court's scheduling deadlines, the Court finds that Plaintiff did not act in bad faith. The Court finds that Plaintiff's disregard for the scheduling order was caused by many delays in the fact discovery process as well as by her counsel having to move to Puerto Rico for treatment of her son. Plaintiff did not willfully fail to comply with

the Court's Order regarding expert discovery. After careful consideration and upon review of the briefs submitted by the parties, it is hereby,

ORDERED that Defendants' Motion in Limine To Exclude Copeman's Expert Report and Testimony is **DENIED** without prejudice. It is further

ORDERED that Plaintiff produce any contemporaneous notes prepared by Dr. Copeman of Plaintiff's visit(s), any data or other information considered by Dr. Copeman in forming his opinion, a list of all other cases for the last four (4) years in which Dr. Copeman testified as an expert at trial or by deposition, and a statement of the compensation to be paid for Dr. Copeman's report and testimony in this case to Defendants within ten (10) days of this Order.

ENTERED this 24th day of July, 2008.

/s/

**HONORABLE RAYMOND L. FINCH
U.S. DISTRICT JUDGE**

